

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MEBRHATO TSEHAI,

1:05-cv-00158-OWW-LJO-P

Plaintiff,

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS** (Doc. 17)

vs.

DERRAL G. ADAMS, WARDEN,
et al.,

**ORDER DISMISSING ACTION, WITH
PREJUDICE, FOR FAILURE TO
STATE A CLAIM UPON WHICH
RELIEF MAY BE GRANTED** (Doc.
10)

Defendants.

**ORDER THAT DISMISSAL COUNTS AS
A STRIKE PURSUANT TO 28 U.S.C.
§1915(g)**

Plaintiff Mebrhato Tsehai ("plaintiff"), a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On May 15, 2006, the Magistrate Judge filed a Findings and Recommendations herein which was served on plaintiff and which

1 contained notice to plaintiff that an objection to the Findings
2 and Recommendations was to be filed within thirty days. To date,
3 plaintiff has not filed an objection to the Magistrate Judge's
4 Findings and Recommendations.

5 In accordance with the provisions of 28 U.S.C. §
6 636(b) (1) (C) and Local Rule 73-305, this Court has conducted a de
7 novo review of this case. Having carefully reviewed the entire
8 file, the Court finds the Findings and Recommendations to be
9 supported by the record and by proper analysis.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The Findings and Recommendations, filed May 15, 2006,
12 is ADOPTED IN FULL;
- 13 2. This action is DISMISSED, with prejudice, for
14 plaintiff's failure to state a claim upon which relief
15 may be granted under section 1983; and
- 16 3. This dismissal counts as a strike pursuant to 28 U.S.C.
17 §1915(g) .

18
19 IT IS SO ORDERED.

20 **Dated: July 29, 2006**
21 emm0d6

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE